

BOARD OF SELECTMEN

February 24, 2009

Minutes

The Board of Selectmen met on Tuesday, February 24, 2009 in the Town Hall Clark Room. Selectmen Douglas A. G. Stevenson, John D. Williams, William R. Tice, Jr., Alan Carpenito, Timothy F. Hult, and Town Administrator Madonna J. McKenzie were present.

Mr. Stevenson thanked everyone who participated in the Council on Aging Town Survey. He said the Council on Aging has reported that 1,558 surveys were completed and returned to Town Hall. Mr. Stevenson said that is 40% of the adult population of the Town.

Town Administrator Report

Mrs. McKenzie gave a report on the solid waste management agreement with Wheelabrator. She asked the Board to approve the agreement that was in their packet this evening. Mrs. McKenzie said she is confident that the Town will save money with this agreement, which is a five- year extension of the current contract.

Mrs. McKenzie said she has been working with FEMA to obtain reimbursement for some of the costs incurred during the ice storms from December 11th to December 18th. Mrs. McKenzie said the reimbursement rate is 75%.

Mrs. McKenzie spoke about the inter-municipal agreement in regard to the Bruce Freeman Rail Trail (Phase 2A & 2C). She said the inter-municipal agreement with the Towns of Acton, Westford and Concord has been prepared by the Town of Acton, but reviewed by our Town Counsel, and by Westford and Concord. The final agreement was included for the Board to review. There was a discussion over one Town having more power over another in this agreement.

Mrs. McKenzie said the RFP wireless document has been with Town Counsel since December 29th. This matter will be on the Board's March 24th meeting agenda.

Mrs. McKenzie spoke briefly about the FinTeam Meeting this morning. She passed forward a list of the Local Receipts. It was noted that Local Receipts are below the expected amount. There was a discussion over the Motor Vehicle excise taxes. Finance Director Larry Barton was present and spoke briefly on this subject. He said the payments are due on February 26th and interest will begin to accrue at 12% starting on February 27th. He said presently there are 1,675 outstanding excise tax bills.

Liaison Reports

Mr. Stevenson said Representative Cory Atkins and State Senator Susan Fargo signed on to the 'bill' at the Board's request relative to the affordable housing reform legislation.

Mr. Williams said on Thursday, February 26th at 7:30 the Housing Authority will have an important meeting with the Benfield developer, NOAH.

Mr. Tice said the Alternative Energy Accessory Alternative Clean Energy Generation Committee was at the Planning Board meeting last night. Keith Therrien gave the presentation. He said there was a discussion about wind energy and the upcoming presentation at Town meeting. Mr. Hult

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asked about the production of wind power for a specific facility, or a portion of a public building so that it would give the Town a reason to pass the bylaw. Mr. Tice said the bylaw and wind turbine the committee was discussing was not big enough to provide energy for a large building. Mr. Tice said under the present charter, the committee did not address large commercial applications. He said some residents present at the Planning Board Hearing were not in favor of the wind turbine bylaw. However, Mr. Tice said his thoughts were that it would be better to have something in place so that we can guide this issue through a public process in the Town, rather than not having anything and continually ending in litigation and letting the Courts decide.

Mr. Tice said the Cable Advisory Committee will have their first meeting in March.

Mr. Stevenson spoke briefly about the upcoming Town Caucus. The Town Caucus is Monday, March 2, 2009 at 7:00 p.m. in the Town Hall. He read through the list of open positions.

Community Preservation Committee – Recommendations

Mr. Hult said the Community Preservation Committee makes recommendations to the Town Meeting. He said the following categories are recognized for CPA funds: affordable housing, historical, and open space and recreation. There is approximately \$1.5million in the CPA Account now. He said the percentage match from the State last year was 70%. It is however foreseeable that this year it will be about 40%. Mr. Hult talked about the four projects that have been submitted this year. They are: the Highland Building restoration - \$450,000; the Gleason Library - \$670 to \$800 thousand; the Cranberry Bog House repairs - \$140,000; and Open Space and Recreation Study - \$10,000. He said collectively these projects total approximately \$1.4million. Mr. Hult spoke about other initiatives that he feels merit additional funds, such as the Pathways and Benfield.

Mr. Stevenson asked a few questions about the Bond on the Benfield property. Larry Barton explained that the debt service on Benfield has four years remaining. He said the money comes out of future CPA revenues. Mr. Hult asked the Board what their thoughts were on the best strategy on how to spend this money. He said where we do as a Town; see as the best allocation of the money? The Board discussed the Open Space and Recreation Study request. Mr. Hult said it is an invaluable plan. It includes maps and identifies properties and parcels. He said it needs to be updated every three years.

The Cranberry Bog House was the next project. Mr. Hult said it was supported by the Conservation Commission. The Conservation Commission spoke about an 'in-kind' type of situation where people live there and make the repairs in exchange for their rent. Mr. Hult said he was not sure if the Town would support having a family living in this house and doing the repairs for rent. Mr. Hult said he did not rank the Bog House as an important town entity.

The discussion went to the Highland Building. Mr. Stevenson said the Board submitted the application to the Community Preservation Committee. The renovations will cost approximately \$450,000. He said he was supportive of the project and putting it on the warrant. Mr. Williams agreed with him. He said he understood that this amount of money would only bring it to a point of safety. Mr. Carpenito said the Town has only three old buildings, plus the Bog House. He said it is a worthy cause as a historical building. Mr. Tice said it is up to the residents to decide on this issue. Mr. Hult said the Board's comments on these four projects were very helpful.

Annual Town Meeting Warrant – Articles

Chief John Sullivan was present to talk to the Board about Article 37 – Public Consumption of Marijuana and Tetrahydrocannabinol. John said the new law states that it is not a criminal offense to possess an ounce or less of marijuana, but it will cause a \$100.00 citation. However, it does permit cities and towns to pass ordinances or by-laws prohibiting public use of marijuana or THC and to provide for additional penalties for public use. John said the Executive Office of Public Safety recommends that municipalities enact such by-laws or ordinances and provide police with the option of treating public use as a misdemeanor offense. He said the Attorney General's Office did not want to see any by-law containing the word 'arrest' as a penalty. He read the proposed by-law, which would carry a \$300.00 fine [on top of the \$100.00 citation]. Mr. Hult asked if a vast majority of police

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chiefs were going to impose this similar by-law. John said some are and some are refraining at this point. The Board supported the Police Chief's recommendation of this article.

School Building Committee Chairman, Lee Storrs was present to discuss Article 10 – Capital Expenditure for the Carlisle Public Schools Renovation/Replacement. Chairman of the School Building Committee Lee Storrs was present to give an update on the committee's dialogs with MSBA and the progress of the plans for the project.

Mr. Hult said what matters most is how the Town interacts with the School Building Committee relating to what will be reimbursed and what won't be reimbursed. Also, how this reimbursement process is built into the design. He said it is important the way it is presented to the Town. Lee said there has been a struggle getting information back from MSBA. Lee showed a chart of the schools that have submitted project plans and where they stood on the list. He said it was also called a MSBA Capital Pipeline Status. He said Carlisle is ahead of 59 projects. Mrs. McKenzie said the wording in the article will not appear as it is presently. She said it will read as 'study and schematic'. The Board thanked Lee and the School Building Committee for all of the hard work.

Dr. Edward Bouquillon, Superintendent of the Minuteman Regional High School was present to talk about Article 18. Dr. Bouquillon explained that the article is relative to establishing a stabilization fund at the Minuteman Regional Vocational Technical School District [under MGL Ch. 71, Sec. 16G ½]. He said it is different from an excess and deficiency [e & d] account. The Stabilization Fund has a similar cap of five percent. He said he was surprised that the school did not have a stabilization fund. He explained that the purpose for the Stabilization Fund is to accumulate funds in the event of an emergency. Dr. Bouquillon said that the school was built in 1974 and no capital improvements have been made since then. Dr. Bouquillon spoke about some of the necessary repairs and renovations that need to be made to the school, such as a new roof. He said it is a prudent measure to do this and he was not asking for any money. In response to Mr. Hult, he said money will get into the Stabilization Fund by funds left over at the end of the year through a school committee vote if the funds are not voted to be returned to the towns, [if it's over 5% they have to do that] or it can be put in the *e & d account*. Mr. Stevenson asked if most Regional Technical Schools have Stabilization Funds. Dr. Bouquillon replied that he did not know of one that did not have one.

Mrs. McKenzie spoke about the CCRSC improvements article. She read through the new Project Description list that totaled \$750,000. The Board was concerned about some of the items on the list. Mrs. McKenzie said they were trying to do things that were absolutely necessary. In reply to Mrs. McKenzie, the Board said they would like a representative from the Concord Carlisle Regional High School committee come to the next meeting to discuss the items on the list.

Don Rober from the LTRC Committee was present to discuss Articles 5, 8 and 9. He passed along a document that referenced capital projects. He said due to the schedules of the committee members, they have been unable to take any positions of support on these projects. This action will most likely occur next week. Don said the budget number given to them from FinCom was \$223,000. He said the number they have requested is \$239,000 and the number presented tonight is \$254,000, which they are trying to cut back. The Board asked a few questions about the lap-top computers at CPS that cost \$80,000. Looking at the levy limit items, Mr. Tice asked how many desk top computers [at CPS] can be purchased for \$80,000. Don replied, about eighty. Mr. Tice asked about the communications cable that costs \$50,000. In reply to Mr. Tice, the quote for \$50,000 was given to David Flannery. It was noted that that particular cable can only be used for public safety, and cannot be used with the school. Mr. Tice tried to suggest other ways to utilize the cable. Mr. Stevenson said this was worth discussing further. Don then spoke about debt exclusions. The first one was the placement of one cistern in the center of Carlisle. Don said the committee would most likely not recommend replacing Engine 6. He talked about the roll-off truck for the DPW, which needs to be replaced and they are recommending it. Don said in regard to the CPA funding projects, he said the committee has not voted on any of them at this point. He said the LTRC was concerned about funding repairs at the Concord Carlisle Regional High School.

Gleason Public Library

Library Director Angela Mollet and Library Trustee Priscilla Stevens were present for this discussion. Ms Stevens explained that at the May, 2008 Town Meeting it was voted that the Gleason Library would receive \$40,000.00 from the Community Preservation Committee for a diagnostic and technical design phase [study] to ultimately repair and restore the historic façade [1895] of the Gleason Public Library. Ms Stevens said the Trustees formed the Building Restoration Implementation Committee who has entered into an agreement with *Lerner| Ladds + Bartels, Inc.* They presented a copy of the project. She said it was prepared in four sections. Ms Stevens said they are here tonight to solicit the Boards support for the project and the Boards advice on how to fund it. They were hoping to use CPA funds. She said it is an expensive project. Ms. Stevens spoke about the water damage and the roof repairs. She said they would like to salvage parts of the old roof. She also spoke about the masonry walls and then the windows, which she said are 114 years old. The Trustees are recommending that all of this work be done together at once as a comprehensive project. She explained that it would save money and be more efficient. It is approximately \$800,000.00. Ms Stevens said the Trustees would like to know how the Selectmen feel about financing this project. Mr. Stevenson said the next step in this process would be for the Community Preservation Committee to look at this from a funding perspective.

Mrs. McKenzie advised the Board of latest update from the Concord Carlisle Regional School Committee. It seems that they have received more than the amount of anticipated funds from the state and they are now reducing Carlisle's assessment from \$86,000.00 to \$46,000.00. She said they are also meeting tonight.

Warrant Discussion

Mrs. McKenzie passed forward the easements that the Board approved since last May, 2008 and now have to be voted on at Town Meeting. She also said under the demolition of the Highland Building, the cost for same can not be covered under debt service or capital exclusion. It would have to be covered through Free Cash. Mr. Stevenson asked Mrs. McKenzie to go through the Warrant Articles. She mentioned the Consent Agenda, noting that the articles that would be included under the Consent Agenda have been identified with asterisks.

ARTICLES: (also attached hereto)

1. Town Reports
2. Salaries of Elected Officials **
3. Fiscal Year 2009 Budget Transfers
4. Operating Budget
5. Capital Equipment
6. Capital Expenditures – for the High School
7. Capital Expenditure – DPW roll off truck
8. Capitals Expenditure – Fire Department Cisterns
9. Capital Expenditure – Fire Truck [may be removed]
10. Capital Expenditure – Carlisle Public Schools Renovation/Replacement [wording is changing]
11. Revaluation **
12. Actuarial **
13. FY 2010 Chapter 90 Authorization **
14. Open Space & Recreation Plan – may be taken by CPA
15. Professional services for the Council on Aging -
16. Fiscal Year 2010 Reserve for Debt Services – MSBA Transfer
17. Fiscal Year 2010 Stabilization Account Transfer [Wang Coombs]
18. Minuteman Regional High School Stabilization Fund
19. Fiscal Year 2010 Free Cash Transfer – for last year's withdrawal
20. Fiscal Year 2010 Free Cash Transfer – for a special Town Stabilization Fund
21. Increased Budget Funding for the High School

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22. Increased Budget Funding CCRHS
 23. Fiscal Year 2010 Transfer Free Cash
 24. Department Revolving Funds Authorization **
 25. Transfer of Highland Building
 26. CPA Authorization
 27. Highland Building Demolition
 28. Inclusion of Town Clerk under Chapter 152
 29. Town Ways/Acceptance of Carriage Way-
 30. Town of Carlisle contract Waste-Management
 31. CPS Wastewater Plant Management Contract – five year contract
 32. Acquisition of Easements – list provided tonight
 33. Mosquito Control – see how the Town feels about this, then proceed through donations.
 34. Transfer of Land – bow-tie of land
 35. Dog License Fees
 36. Wet-land Protection General Bylaw Revisions
 37. Public Consumption of Marijuana
 38. Solar Power Generation and Wind Conversion Systems Bylaw –
 39. Wireless Zoning By-law Revisions
- The Board suggested that Michael Epstein from the Wireless Zoning Bylaw Committee attend the next meeting to go over the bylaw one more time.

Minutes

The Minutes from the Board of Selectmen meeting of February 10, 2009 were approved as presented.

The meeting adjourned at 10:45 p.m.

Respectfully submitted by Margaret M. deMare